
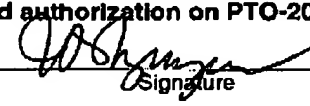


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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional)  42390P11775
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.  October 13, 2005		In re Application of Richard Qian
Signature  Typed or printed name <u>Tu T. Nguyen</u>		Application Number 09/965,224
		Filed 09/27/2001
		For PERSONALIZED CONTENT DELIVERY AND
		Art Unit 2161
		Examiner Etienne Pierre Lcroux
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 1.17(b)) <u>\$500.00</u>		
<input type="checkbox"/> Applicant claims small entity status under 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>          </u>		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of the fee transmittal.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2666</u> . I have enclosed a duplicate copy of the fee transmittal.		
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.		
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.</b>		
I am the		 Signature
<input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Thanh V. Nguyen, Reg. No. 42,034 Typed or printed name
<input checked="" type="checkbox"/> attorney or agent of record.		10/13/05 Date
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) <u>          </u>		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		
<input type="checkbox"/> Total of <u>      </u> forms are submitted.		

Based on PTO/SB/31 (08-03) as modified by Blakely, Schalkoff, Taylor & Zahner (wtr) 09/11/2003  
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10/14/2005 HDEMSS1 00000013 022666 09965224

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**FEE TRANSMITTAL  
for FY 2005***Patent fees are subject to annual revision**Complete if Known*

Application Number	09/965,224
Filing Date	September 27, 2001
First Named Inventor	Richard Qian
Examiner Name	Etienne Pierre Leroux
Art Unit	2161
Attorney Docket No.	42390P11775

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$) 500.00**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☒ Credit any overpayments

**FEE CALCULATION**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					(500.00)

**SUBMITTED BY**

Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034	Telephone	(714) 557-3800
Signature		Date	10/13/05		

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (Mfr) 12/16/2004  
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**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

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**FACSIMILE COVER SHEET**

Deliver to: Etienne Pierre Leroux, USPTO Art Group: 2161  
 Facsimile No.: 703-872-9306 Date: October 13, 2005  
 From: Thinh V. Nguyen, Reg. No. 42,034  
 Our Docket No.: 42390P11775 Number of pages 5 including this sheet.  
 Application No.: 09/965,224 Filing Date: 9/27/2001  
 Docket Due Date(s): 10/14/2005

Enclosed are the following documents:

- |   |   |
|---|---|
| <input type="checkbox"/> Amendment: _____ ( ____ pgs)                         | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief ( ____ pgs)                             | <input checked="" type="checkbox"/> Notice of Appeal                              |
| <input type="checkbox"/> Application: _____<br>( ____ pgs) w/cover & abstract | <input type="checkbox"/> Petition for:  |
| <input type="checkbox"/> Assignment & Cover Sheet ( ____ pgs)                 | <input type="checkbox"/> Request for Continued Examination (RCE)                  |
| <input checked="" type="checkbox"/> Certificate of Facsimile _____            | <input type="checkbox"/> Reply Brief ( ____ pgs)                                  |
| <input type="checkbox"/> Continued Prosecution Application (CPA)              | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Declaration & POA ( ____ pgs)                        | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Drawings: ____ sheets, ____ figures                  | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____                             | <input type="checkbox"/> Response to Written Opinion ( ____ pgs)                  |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)            | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input type="checkbox"/> IDS & PTO/SB/08 ( ____ pgs)                          | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> Other _____  | <input checked="" type="checkbox"/> Transmittal Letter                            |

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

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Tu T. Nguyen

10/13/2005

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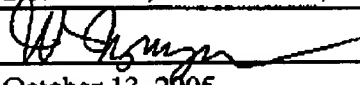
OCT 14 2005

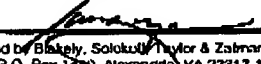
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If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Tu T. Nguyen.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/965,224
		Filing Date	September 27, 2001
		First Named Inventor	Richard Qian
		Art Unit	2161
		Examiner Name	Etienne Pierre Leroux
Total Number of Pages in This Submission	4	Attorney Docket Number	42390P11775

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 13, 2005

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Typed or printed name	Tu T. Nguyen		
Signature		Date	October 13, 2005

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